

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SHAMAIN JOHNSON,

Petitioner,

v.

TONY PARKER,

Respondent.

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No. 3:05-0763
Judge Campbell

ORDER


The Court has before it a petition for a writ of *habeas corpus* filed by a *pro se* prisoner pursuant to 28 U.S.C. § 2254. (Docket Entry No. 1)

As provided in the Memorandum entered contemporaneously herewith, the petition and record of prior proceedings clearly show that the movant is not entitled to relief. Because the petition is without merit, it is DENIED and this action DISMISSED. Rule 8(a), Rules – § 2254 Cases.

Should the petitioner file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a certificate of appealability, 28 U.S.C. § 2253(c); Rule 22(b), Fed. R. App. P.; *see Slack v. McDaniel*, 529 U.S. 473, 483 (2000), which will NOT issue because the movant has failed to make a substantial showing of a violation of a constitutional right, *see Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002).

Entry of this Order shall constitute the judgment in this action.

It is so ORDERED.


Todd Campbell
United States District Judge